

RESOLUTION NO. 74506

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ AMENDING, PURSUANT TO THE PROVISIONS OF CHAPTER 13.48 OF TITLE 13 OF THE SAN JOSÉ MUNICIPAL CODE, THE EXISTING BOUNDARIES OF THE HANCHETT AND HESTER PARK CONSERVATION AREA TO INCLUDE THE FOLLOWING PROPERTIES: 23, 26, 27, 28, 31, 34, AND 36 TILLMAN AVENUE, AND PROVIDING RELATED DIRECTION TO THE CITY CLERK

CA08-001

WHEREAS, Chapter 13.48 of Title 13 of the San José Municipal Code provides for the designation, as a Conservation Area, of a geographically definable area of urban or rural character with identifiable attributes embodied by (1) architecture, urban design, development patterns, setting or geography; and (2) history; and for the amendment of such previously designated Conservation Areas; and

WHEREAS, the City Council has previously designated the existing Hanchett and Hester Park Conservation Area (the “Conservation Area”) in the manner provided by Chapter 13.48 of Title 13 of the San José Municipal Code; and

WHEREAS, on January 14, 2008, the applicant, Ms. Cassandra Ravenscroft, owner of 36 Tillman Avenue, submitted an application for the proposed Conservation Area amendment proposing expansion of the current boundaries of the Conservation Area to include the following properties located adjacent to the Conservation Area’s current boundaries and commonly known as: 23, 26, 27, 28, 31, 34, and 36 Tillman Avenue, San José; and

WHEREAS, additional property owners who signed the Conservation Area amendment application included the owners of 23, 26, and 27 Tillman Avenue, which real properties, taken together with the applicant’s real property, constitute a majority of

the affected properties in the amendment area that wish to be included in the Conservation Area; and

WHEREAS, the seven subject parcels were created as part of the original 1906 tract map for the Hanchett neighborhood which now forms one half of the existing Hanchett and Hester Park Conservation Area and are each developed with buildings consistent with the existing Conservation Area's building types and period of development; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970, the State Guidelines promulgated pursuant thereto and Title 21 of the San José Municipal Code, all as amended as of the date of this Resolution (collectively, "CEQA"), the Director of Planning has determined that the proposed amendment to the Conservation Area constitutes a project that is exempt under CEQA, and the Statement of Exemption prepared by the Director of Planning is on file with the Department of Planning, Building and Code Enforcement for review, which determination has not been protested nor appealed; and

WHEREAS, said Chapter 13.48 of Title 13 of the Municipal Code provides that before the City Council may amend the boundaries of any such conservation area, it shall hold at least one (1) public hearing on such proposed designation and that, before it holds said public hearing, the Council shall refer said proposed designation to the Historic Landmarks Commission of the City of San José for its consideration at a public hearing and for its report and recommendation to the Planning Commission; and to the Planning Commission for its consideration at a public hearing and for its report and recommendation to the City Council; and

WHEREAS, in the manner provided by said Chapter 13.48 of Title 13 of the Municipal Code, the Historic Landmarks Commission did, on May 7, 2008, conduct a public hearing on the proposed Conservation Area amendment and recommend approval of the amendment; and

WHEREAS, also in the manner provided by said Chapter 13.48, the Planning Commission did, on May 28, 2008, conduct a public hearing on said amendment and recommend approval of the amendment to the City Council; and

WHEREAS, a copy of the City of San José Historic Nomination Form No. CA08-001, upon which such recommendations were made, is on file in the Office of the City Clerk of the City of San José; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the City Council did give notice that on June 17, 2008 at the hour of 1:30 p.m. of said day, or as soon thereafter as said matter could be heard, this Council would, in the City Hall of the City of San José, 200 E. Santa Clara Street, San José, California, hold a public hearing on said Conservation Area amendment at which hearing any and all persons interested in said proposed amendment could appear and avail themselves of an opportunity to be heard and to present their views with respect to said proposed Conservation Area amendment; and

WHEREAS, at the aforesaid time and place set for hearing, or to which the hearing was continued, this Council duly met, convened, and gave all persons full opportunity to be heard and to present their views with respect to said proposed Conservation Area amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSÉ AS FOLLOWS:

SECTION 1. In accordance with the provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, this Council does hereby amend the existing boundaries of the Hanchett and Hester Park Conservation Area to include the following properties, commonly known as: 23, 26, 27, 28, 31, 34, and 36 Tillman Avenue, San José. Said real properties are more fully described on Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. Said Conservation Area amendment is based upon the following findings:

- a. The buildings located on these real properties, although of different styles, are from a definable period of development (between world wars);
- b. The subject area has clear and understandable boundaries;
- c. The predominantly vernacular residences have similar scale and massing;
- d. The sites have fairly consistent lot sizes with reasonably consistent setbacks;
- e. The present built environment as a whole represents the period of development through the retention of original exterior materials, building form, streetscape rhythm, and setting; and
- f. Recent, relatively minor changes to individual houses have not adversely affected the scale, massing, or cohesiveness of the neighborhood.

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SECTION 3. The City Clerk is hereby directed to notify those persons designated in San José Municipal Code, Section 13.48.630, Subsection D, in the manner specified by said Section of the adoption of this Resolution and to direct the recordation of a Notice of Granting of this resolution in the Office of the Recorder of the County of Santa Clara.

ADOPTED, this 24th day of June 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED.

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk